

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ERIC WEINER, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

v.

TIVITY HEALTH, INC., *et al.*,

Defendants.

Case No.: 3:17-cv-01469

Chief Judge Crenshaw
Magistrate Judge Newbern

**ORDER GRANTING LEAD PLAINTIFF AND CLASS REPRESENTATIVE'S
UNOPPOSED MOTION
TO AMEND THE PRELIMINARY APPROVAL ORDER**

Class Representative and Lead Plaintiff Oklahoma Firefighters Pension and Retirement System ("Class Representative"), individually and on behalf of all Class Members, have moved for an order to amend the Preliminary Approval of Class Action Settlement and Agreement of Settlement Order (Doc. No. 162) (the "Preliminary Approval Order"). Having considered the Motion and for good cause shown, IT IS HEREBY ORDERED THAT:

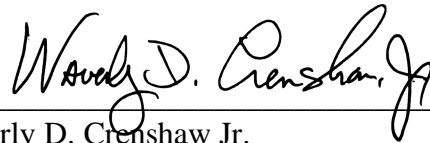
1. The language in Paragraph 11 of the Preliminary Approval Order is stricken and amended to read as follows:

11. Any Class Member who or that does not timely and validly request exclusion from the Class in the manner stated in this Order: (a) shall be deemed to have waived his, her, or its right to be excluded from the Class; (b) shall be forever barred from requesting exclusion from the Class in this or any other proceeding; (c) shall be bound by the provisions of the Stipulation and Settlement and all proceedings, determinations, orders, and judgments in the Action, including, but not limited to, the Judgment and the Releases provided for therein; and (d) will be barred from commencing, instituting, maintaining, prosecuting, or continuing to prosecute any

or all of the Released Plaintiffs' Claims against any of the Defendant Releasees, as more fully described in the Stipulation and Notice

2. All other provisions of the Preliminary Approval Order remain unchanged.
3. The date that the Preliminary Approval Order was entered, and thus the Effective Date as defined in the Stipulation and Agreement of Settlement (Doc. No. 161), remains unchanged.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Waverly D. Crenshaw Jr.", is positioned above a horizontal line.

Waverly D. Crenshaw Jr.
Chief United States District Judge